

Attorney's Docket No.  
064747.1011

PATENT APPLICATION

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TRANSMITTAL FOR U.S. PATENT APPLICATION  
UNDER 37 CFR §1.53(b)

**Mail Stop: Patent Application**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney's Docket: 064747.1011  
Express Mail EV 324641470 US

Sir:

Transmitted herewith for filing is the original patent application of:

Inventors: Shannon V. Davidson et al.

For: SYSTEM AND METHOD FOR COMPUTER CLUSTER  
VIRTUALIZATION USING DYNAMIC BOOT IMAGES  
AND VIRTUAL DISK

Pursuant to 37 C.F.R. § 1.213(a), Applicants respectfully request that the above-identified patent application not be published under 35 U.S.C. § 122(b). Applicants hereby certify that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Enclosed are:

- (1) 36 pages of Specification, Claims and Abstract;
- (2) 4 pages of Executed Declaration and Power of Attorney;
- (3) 2 pages of Formal Drawings;
- (4) 3 pages of an Assignment of the invention to Raytheon Company;
- (5) 2 pages of separate cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an Assignment recordal fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h);
- (6) 1 page Nonpublication Request Under 35 U.S.C. § 122(b)(2)(B)(i);
- (7) This Transmittal Form with attached patent application filing fee in the amount of \$1,220.00;
- (8) 1 page Certificate of Mailing by Express Mail; and
- (9) Acknowledgment postcard.

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee \$ 770.00
Total Claims	45	20	25	X \$18 =	450.00
Independent Claims	3	3	0	X \$86 =	.00
TOTAL FILING FEE =					<b>\$1,220.00</b>


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064747.1011

PATENT APPLICATION

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Enclosed is a check in the amount of \$1,220.00 for filing fee. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P. A duplicate copy of this sheet is enclosed.

BAKER BOTTS L.L.P.  
Attorneys for Applicants

  
\_\_\_\_\_  
Kevin J. Meek  
Registration No 33,738

Date: April 15, 2004

CORRESPONDENCE ADDRESS:

Customer Number: **05073**

ATTORNEY DOCKET NO.  
064747.1011

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Shannon V. Davidson et al.  
Date Filed: April 15, 2004  
For: **SYSTEM AND METHOD FOR COMPUTER CLUSTER  
VIRTUALIZATION USING DYNAMIC BOOT IMAGES  
AND VIRTUAL DISK**

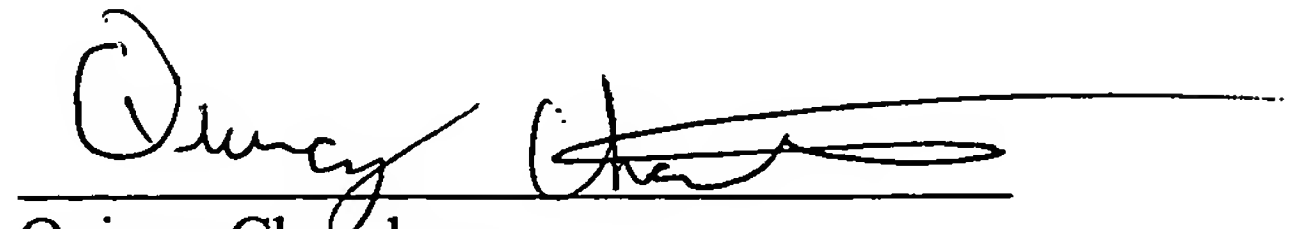
**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that the attached Patent Application (36 pages, including Specification, Claims, and Abstract), 2 sheets of formal Drawings, Nonpublication Request (1 page), executed Declaration and Power of Attorney (4 pages), Assignment (3 pages), Assignment Recordation Sheet (2 pages), a check in the amount of \$1,220.00 for the application filing fees, a check in the amount of \$40.00 for the Assignment Recordal fee, Application Transmittal (2 pages), this Certificate of Mailing, and a Baker Botts acknowledgment postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 15th day of April, 2004 and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Quincy Chambers

Express Mail Receipt  
No. EV 324641470 US  
Attorney Docket No. 064747.1011

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Shannon V. Davidson et al.
	Title	SYSTEM AND METHOD FOR COMPUTER CLUSTER VIRTUALIZATION USING DYNAMIC BOOT IMAGES AND VIRTUAL DISK	
	Atty Docket Number		064747.1011

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

BAKER BOTTS L.L.P.  
Attorneys for Applicants

April 15, 2004

  
Signature

Kevin J. Meek  
Reg No. 33,738

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicants may rescind this nonpublication request at any time. If applicants rescind a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicants subsequently file an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicants must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.